



Public Notice

U.S. Army Corps
Of Engineers
Galveston District

DATE: 23 July 1999

COMMENTS DUE: 7 September 1999

PUBLIC NOTICE FOR FEDERAL REGISTER NOTICE ANNOUNCING PROPOSED NEW NATIONWIDE PERMITS

On 21 July 1999, the Corps published a notice, in Part III of the Federal Register, announcing a revised proposal to issue 5 new Nationwide Permits (NWP), and modify 6 existing NWPs, to replace NWP 26, the expiration date of which has been extended to 30 December 1999, or the effective date of the new and modified NWPs, whichever comes first. In this Federal Register notice, the Corps also proposes to add 3 new general conditions to the NWPs, to increase protection of the aquatic environment. The proposed NWPs are activity-specific and authorize certain activities in non-tidal waters of the United States that have minimal adverse effects on the aquatic environment. The proposed NWP general conditions will restrict or prohibit the use of certain NWPs in waters of the United States, within 100-year floodplains, impaired waters, and designated critical resource waters.

The Federal Register notice also describes a revised process and schedule for issuing and implementing the new and modified draft NWPs, including regional conditions. Concurrent with this Federal Register notice, Corps Districts will be announcing draft Corps regional conditions, for these NWPs, for public comment. When the new and modified NWPs are issued, the final Corps regional conditions will be issued at the same time so that the States and Tribes can make their Section 401 water quality certification and Coastal Zone Management Act (CZMA) consistency determination decisions. The 401/CZMA decisions must be made within 60 days of the Federal Register notice announcing the issuance of the new and modified NWPs. After this 60-day period, the new and modified NWPs, and Corps regional conditions, will become effective.

The 21 July 1999, Federal Register notice is available for viewing at the Galveston District or on the Internet at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>. As an alternate, World Wide Web users can access the Federal Register through the U.S. Government Printing Office at http://www.access.gpo.gov/su_docs/aces/aces002.html.

Concurrent with the 21 July 1999 Federal Register notice, the Galveston District has posted the Corps draft regional conditions to be used for the new and modified draft NWPs, for the State of Texas, on its Internet home page. The URL address, for the Corps draft regional condition's, is: <http://www.svg.usace.army.mil/>. For information on regional

conditions, being proposed for use in portions of the Galveston District, occurring within the

State of Louisiana, please refer to the New Orleans District Internet home page, at: <http://www.mvn.usace.army.mil/ops/regulatory/regional.htm>. Regional conditions will provide additional protection for the aquatic environment, by ensuring that the NWP's authorize only those activities with minimal adverse effects on the aquatic environment. Regional conditions will help ensure protection of high value waters within the District. Interested parties who do not have Internet access can contact Ms. Pat Lingo at 409-766-3930, for a copy of the draft Corps regional conditions for the Galveston District.

Note: General condition No. 26 refers to certain activities in impaired waters. These waters are identified through the Clean Water Act Section 303(d) process. A list of impaired waters found in Texas, can be found at:

<http://www.tnrcc.state.tx.us/admin/topdoc/sfr/058-99/index.html>

A list of segment descriptions can be found at:

<http://www.tnrcc.state.tx.us/RuleS/tac/30/I/307/index.html>

The Corps will prepare final decision documents when the new and modified NWP's are issued. These documents will be available when the issuance of the new and modified NWP's is announced in a future Federal Register notice. Furthermore, Division Engineers, to address decisions concerning regional conditioning of the NWP's, will supplement the NWP decision documents.

National Issues Concerning the Proposed NWP's: This is notice of the public's opportunity to comment on the new and modified draft NWP's and general conditions. Comments concerning these NWP's should be sent to the Office of the Chief of Engineers, Regulatory Branch (ATTN: CECW-OR), Washington, D.C. 20314-1000. Comments on the new and modified draft NWP's are due by 7 September 1999.

Regional Issues Concerning the Proposed NWP's, Including Regional Conditioning: This is notice of the public's opportunity to comment on the draft Corps regional conditions for the new and modified draft NWP's. Comments concerning the Corps draft regional conditions should be sent to Ms. Janet Thomas at: Galveston District, Regulatory Branch, P.O. Box 1229, Galveston, Texas 77553-1229. Comments are due by 7 September 1999. Similar public notices concerning draft regional conditions, in other regions or States, are being published concurrently by other division or district offices.

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS

Index of Nationwide Permits, Conditions, Further Information, and Definitions

New and Modified Draft Nationwide Permits

3. Maintenance
7. Outfall Structures and Maintenance
12. Utility Line Activities
14. Linear Transportation Crossings
27. Stream and Wetland Restoration Activities
39. Residential, Commercial, and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities

Nationwide Permit General Conditions

1. Navigation
2. Proper Maintenance
3. Soil Erosion and Sediment Controls
4. Aquatic Life Movements
5. Equipment
6. Regional and Case-by-Case Conditions
7. Wild and Scenic Rivers
8. Tribal Rights
9. Water Quality
10. Coastal Zone Management
11. Endangered Species
12. Historic Properties
13. Notification
14. Compliance Certification
15. Use of Multiple Nationwide Permits.
16. Water Supply Intakes
17. Shellfish Beds
18. Suitable Material
19. Mitigation
20. Spawning Areas
21. Management of Water Flows
22. Adverse Effects from Impoundments
23. Waterfowl Breeding Areas
24. Removal of Temporary Fills
25. Designated Critical Resource Waters
26. Impaired Waters
27. Fills Within the 100-year Floodplain

Further Information

Definitions

Aquatic Bench
Best Management Practices
Compensatory mitigation
Creation
Drainage ditch
Enhancement
Ephemeral stream
Farm tract
Independent utility
Intermittent stream
Loss of waters of the United States
Non-tidal wetland
Open water
Perennial stream
Permanent above-grade fill
Playa
Prairie pothole
Preservation
Project area
Restoration
Riffle and pool complex
Single and complete project
Stormwater management
Stormwater management facilities
Stream bed
Stream channelization
Tidal wetland
Vegetated shallows
Vernal pool
Waterbody

